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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,959	01/24/2001	Vern Cunningham	13582	2793

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EXAMINER

CHOI, JACOB Y

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,959

Applicant(s)

CUNNINGHAM ET AL.

Examiner

Jacob Y Choi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/16/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15, 22, 24, 25, 31-39 and 41-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-47 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 22, 24, 25, 31-39, 41, 42, & 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10/02/2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14, 15, 22, 24, 25, 31-39, 41, 42, & 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman et al. (USPN 6,010,228).

Regarding claim 14, Blackman et al. discloses a light (96), an electrical circuit (figures 4 & 11) providing electrical energy to the light from a power source, a rectangular frame (28, 26, 30, 34) through which the electrical component is accessible (122), the frame housing the electrical circuit, the frame having a side with a depth (92/68) sufficient to house the light, and the frame having an aperture (figure 2, open area for each LEDs) in the side allowing the light to illuminate a space outside the frame assembly through the aperture, and a cover plate (front wall 24) and for covering the frame and for providing access to the components of the wall conduit. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that

constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 15, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is an electrical switch (figures 6 & 7).

Regarding claim 22, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a side that has sufficient depth to house the light, wherein the side has an aperture for allowing the light to illuminate outside the frame through the aperture, wherein access through the frame to the component is dimensioned to be covered by the standard-form cover.

Regarding claim 24, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is an electrical outlet with an electrical connection, and the electrical connection is that part of the electrical outlet that requires access during use.

Regarding claim 25, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is an electrical switch with an electrical actuator, and the electrical actuator is that part of the electrical switch that requires access during use.

Regarding claim 31, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses spacers (38, 34, 126a, 126b figure 3)

extending from the frame for holding the component in a desired position relative to the cover.

Regarding claim 32, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses a substantially flat base plate extending inwardly from the rectangular frame, the component being accessible through the rectangular frame while connected to the connection, and spacer (38, 34, 126a, 126b figure 3) extending from the base plate for holding the component with the base plate between the component and the conduit in a desired position relative to the cover.

Regarding claim 33, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the spacers are hollow and the hollow (34) is positioned such that fastening means (42) may be inserted through the component and the hollow.

Regarding claim 34, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the rectangular frame is dimensioned to cover a wall conduit for an electrical box.

Regarding claim 35, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the rectangular frame is dimensioned to cover a wall conduit for an electrical box.

Regarding claim 36, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the frame further houses a power circuit for powering the one or more lights from the electrical connection.

Regarding claim 37, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the frame further houses a light sensor (104), the frame having sensor apertures through which the sensor senses ambient light external to the frame.

Regarding claim 38, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the frame further houses a power circuit that powers the lights when the sensor senses the ambient light external to the frame is low.

Regarding claim 39, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses an additional light is housed within the frame and the frame has a corresponding aperture such that the additional light increases the ambient light received by the sensor.

Regarding claim 41, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses a light comprising a lighting emitting diode (LED).

Regarding claim 42, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the LED is attached to a printed circuit board (92) and the LED extends into the side aperture.

Regarding claim 48, Blackman et al. discloses a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a depth sufficient to house the light, wherein the frame has an aperture for allowing the light to illuminate outside the frame through the aperture, wherein the cover (24) being on top of the frame (28, 26, 30, 34), and the component mounts inside the frame to the assembly at the same depth as the cover. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 49, Blackman et al. discloses a rectangular frame through which the component is accessible, spacer means inside the frame, and a light, wherein the rectangular frame has a depth sufficient to house the light, wherein the frame (28, 26, 30, 34) has an aperture for allowing the light to illuminate outside the frame through the aperture, wherein the cover being on top of the frame, and the spacer means (38, 34, 126a, 126b figure 3) are flush with the frame where the cover mounts, and wherein the component mounts on top of the spacer means. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the

housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 50, Blackman et al. discloses a rectangular frame through which the component is accessible, spacer means (38, 34, 126a, 126b figure 3) inside the frame for holding the component in a desired position relative a light, wherein the rectangular frame (28, 26, 30, 34) has a depth sufficient to house the light, wherein the frame has an aperture for allowing the light to illuminate outside the frame through the aperture, and wherein the cover being on top of the frame. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 51, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is a wall outlet with electrical connections.

Regarding claim 52, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the desired position places the connections *substantially* flush with a front surface of the cover.

Regarding claim 53, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is an electrical switch.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter: the claims recite a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a side that has sufficient depth to house the light, and wherein the side has an aperture for allowing the light to illuminate outside the frame through the aperture, and wherein the light comprising a light emitting diode (LED), and wherein the LED is a plurality of LEDs and the side aperture is a series of side apertures, one aperture for each LED, and each LED extends into its respective side aperture. Because none of the references cited disclose the detailed structural limitations of one aperture for each LED & and each LED extends into its respective side aperture, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record. Claims 43, 44, 45, 46, & 47 allowed.

Response to Amendment

4. Examiner acknowledges that the applicant has cancelled claims 1-13, 16-21, 23, 26-30, & 40, amended claims 14, 22, 24, 25, 31, 32, 34, 36, 37, 39, 41, & 43 and newly added claims 48-53. Now, claims 14, 15, 22, 24-25, 31-39, & 41-53 are pending in the application and claims 14, 22, 43, 48-50 are independent claims.

Response to Arguments

5. Applicant's arguments with respect to claims 14, 15, 22, 24-25, 31-39, & 41-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

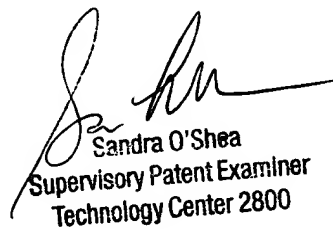
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC
April 29, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800